

1977 Assembly Bill 664

Date published: October 20, 1977

**CHAPTER 107, Laws of 1977**  
(Vetoed in Part) \*

AN ACT to repeal 11.31 (3); to renumber 7.70 (3) (e) to (h) and 8.16 (5) and (6); to renumber and amend 11.26 (2) (b) and (9) and 11.31 (1) (intro.) and (2); to amend 5.02 (4), 5.37 (4), 5.62 (1) (a) and (3), 7.50 (2) (g), 8.15 (7), 8.16 (title), (1) and (2), 8.20 (8) (a) and (9), 8.35 (4), 8.50 (3) (b), 10.02 (3) (b) 2, 10.06 (1) (e) and (i), 11.26 (1) (d), (2) (a) and (10), 11.31 (title), (1) (b) to (d), (g) (intro.) and (h), (4) and (7) (a) and 20.510 (intro.); and to create 5.62 (5), 7.08 (2) (c), 7.70 (3) (e), 8.16 (5), 10.02 (3) (b) 3m, 11.13 (7), 11.21 (16), 11.26 (1m), (2) (b) to (d), (9) (b) and (c) and (13), 11.31 (1) (intro.), (5) to (7) (titles) and (9), 11.50, 14.58 (20), 20.510 (1) (q), 20.855 (2) (e), 25.17 (1) (xm), 25.42 and 71.095 of the statutes, relating to campaign financing, creating an election campaign fund, granting rule-making authority, making appropriations and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 5.02 (4) of the statutes is amended to read:

5.02 (4) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state office may participate in the Wisconsin election campaign fund.

SECTION 2. 5.37 (4) of the statutes is amended to read:

5.37 (4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidate's names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies, and an elector who votes for candidates of any party may not vote for independent candidates at the September primary; the elector may secretly select the party for which he or she wishes to vote, or the independent candidates in the case of the September primary; the elector may vote for as many candidates for each office as he or she is lawfully entitled to vote for, but no more.

SECTION 3. 5.62 (1) (a) of the statutes is amended to read:

5.62 (1) (a) There shall be an Australian ballot made up of the several party tickets with each party entitled to participate in the primary having its own ballot, and the independent candidates for state office shall have a separate ballot for all such candidates as under s. 5.64 (1) (e). The several ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for governor at the last general election shall be on top with the other parties arranged in an order based

\* The application of the partial veto to 1977 Assembly Bill 664 and, thereby, the validity of Chapter 107, Laws of 1977, was challenged in *State ex rel. Kleczka and Shabaz v. Conta et al.* On December 23, 1977, the Wisconsin Supreme Court was to hear arguments whether it should take original jurisdiction in the case.

on their vote for governor at the last general election. The ballot listing the independent candidates shall be placed at the bottom.

SECTION 4. 5.62 (3) of the statutes is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for state offices by using the same procedure as for supreme court justice candidates under s. 5.60 (1) (b); congressional and state senate candidates by using the same procedure as for circuit court judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, by similarly numbering and arranging by population the counties within an assembly district. Independent candidates for state office shall be listed for each office in an order drawn by lot by or under the supervision of the board. The candidates shall then be listed under s. 5.60 (1) (b).

SECTION 5. 5.62 (5) of the statutes is created to read:

5.62 (5) At the September primary, an elector may vote for the candidates of only one party, or the elector may vote for any of the independent candidates for state office listed; but the elector may not vote for more than one candidate for a single office.

SECTION 6. 7.08 (2) (c) of the statutes is created to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the Thursday after the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office as defined in s. 11.01 (20) who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

SECTION 7. 7.50 (2) (g) of the statutes is amended to read:

7.50 (2) (g) In partisan primaries, if an elector writes in the name of a person who is a candidate for the same office on a ballot other than the one on which the elector writes the name, the vote shall not be counted for that ~~person for either party office.~~ Only those votes for a candidate of the ~~party upon whose~~ ballot his upon which the candidate's name is written or write-ins not appearing on another ballot shall be counted for the person as a candidate ~~of that party for that office.~~

SECTION 8. 7.70 (3) (e) of the statutes is renumbered 7.70 (3) (f).

SECTION 9. 7.70 (3) (e) of the statutes is created to read:

7.70 (3) (e) The board of state canvassers shall make a special statement to the elections board as soon as possible after the canvass certifying:

1. After each September primary, the name of each candidate not defeated in the primary who receives at least 1% of the total vote cast for all candidates on all ballots at the primary for each separate state office, and the percentage of the total vote received. Such percentage shall be calculated within each district in the case of legislative candidates.

2. After the general election in years in which statewide officers are elected, the name of each political party which receives at least one percent of the vote cast in such election for any statewide office.

SECTION 10. 7.70 (3) (f) to (h) of the statutes are renumbered 7.70 (3) (g) to (i), respectively.

SECTION 11. 8.15 (7) of the statutes is amended to read:

8.15 (7) A candidate may not run in more than one party primary at the same time. No filing official ~~shall~~ may accept nomination papers for the same person in the same election for more than one party. An independent candidate at a partisan

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primary or other election may not file nomination papers as the candidate of a recognized political party for the same office at the same election.

SECTION 12. 8.16 (title), (1) and (2) of the statutes are amended to read:

**8.16 (title) Partisan nominations.** (1) The person who receives the greatest number of votes for an office on any party ballot at a primary shall be the party's candidate for the office, and ~~the that~~ person's name shall so appear on the official ballot at the next election. All independent candidates shall appear on the general election ballot regardless of the number of votes received by such candidates at the September primary.

(2) A person who receives only write-in votes shall not ~~be the party's candidate appear on the ballot as the candidate of a recognized political party~~ unless the person receives at least 5% of the vote cast in the district for the party's gubernatorial candidate at the last general election, and files a registration statement under s. 11.05 (2g) or (2r) and declaration of acceptance, within 2 days after the person receives notification of ~~the his or her~~ nomination. Independent candidates may not be nominated by write-in votes, but shall file nomination papers under s. 8.20.

SECTION 13. 8.16 (5) of the statutes is renumbered 8.16 (6).

SECTION 14. 8.16 (5) of the statutes is created to read:

8.16 (5) Any candidate for a partisan state office may also qualify for payments under s. 11.50 if the candidate ~~receives at least 1% of the total vote cast for all candidates on all ballots for the office for which he or she is a candidate at the September primary and the candidate~~ meets the requirements specified in s. 11.50; however, a candidate who qualifies under this section for placement on the official ballot at the general election shall appear on such ballot regardless of whether he or she qualifies for payments under s. 11.50.

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SECTION 15. 8.16 (6) of the statutes is renumbered 8.16 (7).

SECTION 16. 8.20 (8) (a) of the statutes is amended to read:

8.20 (8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election or September primary and general election may be circulated no sooner than June 1 preceding the election and shall be filed not later than 5 p.m. on the 2nd Tuesday in July.

SECTION 17. 8.20 (9) of the statutes is amended to read:

8.20 (9) Persons nominated by nomination papers without party designation shall be placed on the official ballot at the September primary when required, at the general election and at any partisan election to the right or below the party candidates in their own column designated "Independent". If the candidate's name already appears under a party it shall not be listed again.

SECTION 18. 8.35 (4) of the statutes is amended to read:

8.35 (4) (a) When a candidate is appointed to fill a vacancy under this section, the funds remaining in the former candidate's depository after payment of the former candidate's lawful campaign debts, if any, shall be: a) donated to ~~his the former candidate's~~ local or state political party if he or she was a partisan candidate or donated to the charitable organization of his or her choice or the charitable organization chosen by his or her next of kin if ~~he the former candidate~~ is deceased, or if no choice is made returned to the donors on a pro rata basis; or b) if he or she was a nonpartisan candidate, donated to the charitable organization of his or her choice or the charitable organization chosen by ~~his the former candidate's~~ next of kin if he or she is deceased; or c) if no choice is made, returned to the donors on a pro rata basis, with contributions which cannot be identified donated in accordance with a) or b). A petitioner or personal representative may make the choice under a) or b) where c) applies.

(b) Notwithstanding par. (a), any unspent and unencumbered moneys received by a candidate from the Wisconsin election campaign fund shall be immediately

transferred to any candidate who is appointed to replace such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is no candidate appointed or if no proper application is filed within 7 days of the date on which the vacancy occurs, such moneys shall revert to the state as provided in s. 11.50 (8).

(c) The transfer shall be reported to the appropriate filing officer in a special report submitted by the former candidate's campaign treasurer. If the former candidate is deceased and was serving as his or her own campaign treasurer, ~~his~~ the former candidate's petitioner or personal representative shall file the report and make the transfer required by par. (b), if any. The report shall include a complete statement of all contributions, disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

(d) The newly appointed candidate shall file his or her report at the next appropriate interval under s. 11.20 (3) after his or her appointment. The appointed candidate shall include any transferred funds in his or her first report.

(e) Any person who violates this subsection may be punished as provided under s. 11.60 or 11.61.

SECTION 19. 8.50 (3) (b) of the statutes is amended to read:

8.50 (3) (b) The provisions for September primaries under s. 8.15 are applicable to all primaries held under this section, except that independent candidates for state office at a special partisan election shall not appear on the primary ballot.

SECTION 20. 10.02 (3) (b) 2 of the statutes is amended to read:

10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party ballot of his or her choice and make a cross or other mark in the square at the right of the candidate's name for each office for whom ~~he~~ the elector intends to vote or insert or write in the name of ~~his~~ the elector's choice for a candidate.

SECTION 21. 10.02 (3) (b) 2m of the statutes is created to read:

10.02 (3) (b) 2m. At the September primary, the elector shall select the party ballot of his or her choice or the ballot containing the names of the independent candidates for state office, and make a cross or other mark in the square at the right of the candidate's name for each office for whom he or she intends to vote or insert or write in the name of his or her choice for a candidate. In order to qualify for minimum participation in the Wisconsin election campaign fund, a candidate for state office at the September primary must receive at least 6% of all votes cast on all ballots for the office for which he or she is a candidate, in addition to other requirements.

SECTION 22. 10.06 (1) (e) and (i) of the statutes are amended to read:

10.06 (1) (e) As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the board shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no primary is held, this notice shall be sent under par. (c). The board shall also in any case send a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c). When there are referenda questions, ~~it~~ the board shall send a type C notice certifying the questions to the county clerks as soon as possible, but no later than the first Tuesday in March. On the first Tuesday in March the board shall publish one notice of all candidates and offices which it has certified. Also on the first Tuesday in March the board shall publish one type C notice for any referenda questions which it has certified.

(i) As soon as possible after the state canvass, but no later than the Thursday after the 4th Tuesday in September, the board shall send a type B notice certifying the list of candidates and a type C notice certifying any referenda questions to each county clerk for the general election and a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c).

SECTION 23. 11.13 (7) of the statutes is created to read:

11.13 (7) Contributions or portions of contributions from individuals to a precampaign committee which are accepted by a candidate may be used to meet the qualifications for receipt of a grant under s. 11.50 (2), provided that they are received within the times prescribed by and identified in accordance with that subsection.

SECTION 24. 11.21 (16) of the statutes is created to read:

11.21 (16) Inform each candidate who files an application to become eligible to receive a grant from the Wisconsin election campaign fund of the dollar amount of the applicable current disbursement limitation under s. 11.31 which applies to the office for which such person is a candidate. Failure to receive the notice required by this subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

SECTION 25. 11.26 (1) (d) of the statutes is amended to read:

11.26 (1) (d) Candidates for all other state and local offices, ~~5% of the value of the candidate's authorized disbursement limitation under s. 11.31, or \$100, whichever is greater~~ an amount equal to the greater of 1) \$250; or 2) one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$3,000.

SECTION 26. 11.26 (1m) of the statutes is created to read:

11.26 (1m) The contribution limits provided in subs. (1) and (4) do not apply to a candidate who makes any contribution or contributions to his or her own campaign for office from such individual's personal funds or property or the personal funds or property which are owned jointly with the individual's spouse, with respect to any contribution or contributions made to that candidate's campaign only. A candidate's personal contributions shall be deposited in the campaign depository and reported in the normal manner.

SECTION 27. 11.26 (2) (a) of the statutes is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction and justice of the supreme court, ~~4% of the value of the candidate's authorized disbursement limitation level specified in the schedule~~ under s. 11.31 (1).

SECTION 28. 11.26 (2) (b) of the statutes is renumbered 11.26 (2) (e) and amended to read:

11.26 (2) (e) Candidates for other state and local offices, ~~5% of the value of the candidate's authorized disbursement limitation under s. 11.31~~ an amount equal to the greater of 1) \$200; or 2) three-fourths of one cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer; or 3) one percent of the annual salary of the office sought.

SECTION 29. 11.26 (2) (b) to (d) of the statutes are created to read:

11.26 (2) (b) Candidates for state senator, \$1,000.

(c) Candidates for representative to the assembly, \$500.

(d) In any jurisdiction or district with a population of 500,000 or more according to the most recent federal census covering the entire jurisdiction or district:

1. For the following county offices:

a. Candidates for county executive, \$6,250.

b. Candidates for district attorney, \$3,750.

c. Candidates for county supervisor, \$400.

2. Candidates for any countywide elective office not treated in subd. 1, \$2,500.

3. For the following offices in cities of the 1st class:

- a. Candidates for mayor, \$6,250.
- b. Candidates for city attorney, \$3,750.
- c. Candidates for any other citywide office, \$2,500.
- d. Candidates for alderman, \$400.

SECTION 30. 11.26 (9) of the statutes is renumbered 11.26 (9) (a) and amended to read:

11.26 (9) (a) No candidate for state or local office may receive and accept more than 65% of the value of his the total authorized disbursement limitation level specified in the schedule under s. 11.31 (1) for the office for which he or she is a candidate during any primary and election campaign combined from all ~~other~~ committees subject to a filing requirement, including political party committees.

SECTION 31. 11.26 (9) (b) and (c) of the statutes are created to read:

11.26 (9) (b) No candidate for state or local office may receive and accept more than 45% of the value of the total disbursement level specified in the schedule under s. 11.31 (1) for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party committees subject to a filing requirement.

(c) For purposes of this subsection, a “committee” includes the Wisconsin election campaign fund.

SECTION 32. 11.26 (10) of the statutes is amended to read:

11.26 (10) ~~Notwithstanding sub. (1), a~~ No candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make contributions of ~~not more than 150%~~ 200% of the amounts specified in sub. (1) to the candidate's own campaign, ~~except that any candidate who is covered under s. 11.31 (1) (g) and (h) may make contributions of not more than \$500 or 300% of the amounts specified in sub. (1) to the candidate's own campaign, whichever is greater from such individual's personal funds or property or the personal funds or property which are owned jointly with the individual's spouse.~~ The contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a candidate may exceed the limitation if authorized under this section subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount of the limitation. ~~A candidate's personal contributions must be deposited in the campaign depository account and reported in the normal manner.~~

SECTION 33. 11.26 (13) of the statutes is created to read:

11.26 (13) Except as provided in sub. (9), contributions received from the Wisconsin election campaign fund are not subject to limitation by this section.

SECTION 34. 11.31 (title) of the statutes is amended to read:

**11.31 (title) Disbursement levels and limitations; calculation.**

SECTION 35. 11.31 (1) (intro.) of the statutes is renumbered 11.31 (2) and amended to read:

11.31 (2) (title) **LIMITATION IMPOSED.** No candidate for state ~~or local office~~ who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make or authorize total disbursements from the campaign treasury in any campaign to the extent of more than the ~~following:~~ amounts specified in sub. (1).

SECTION 36. 11.31 (1) (intro.) of the statutes is created to read:

11.31 (1) (title) **SCHEDULE.** (intro.) The following levels of disbursements are established with reference to the candidates listed below. Except as provided in sub.

(2), such levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

SECTION 37. 11.31 (1) (b) to (d), (g) (intro.) and (h) of the statutes are amended to read:

11.31 (1) (b) Candidates for lieutenant governor, ~~\$50,000~~ \$100,000 in the primary, and \$50,000 in the election.

(c) Candidates for attorney general, ~~\$50,000~~ \$125,000 in the primary, and ~~\$100,000~~ \$125,000 in the general election.

(d) Candidates for secretary of state, state treasurer, justice of the ~~supreme court and or state~~ superintendent of public instruction, ~~\$25,000,~~ \$40,000 in the primary and ~~\$50,000~~ \$60,000 in the election.

(g) (intro.) In any county jurisdiction or district with a population of 500,000 or more according to the most recent countywide federal census covering the entire jurisdiction or district:

(h) Candidates for any other state or local office, who are elected from a jurisdiction or district with less than 500,000 inhabitants according to the latest federal census or census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of 1) \$500; or 2) one-fourth of the annual salary for the office sought; or 3) 15 cents per inhabitant of the jurisdiction or district, but in no event more than \$20,000, for both the primary and the election combined. Within the ~~limitation upon level of~~ total disbursements specified, the candidates under this paragraph may allocate the disbursements between the primary and the election in any proportion they desire, and may carry over funds from a primary campaign to election campaign. If such a candidate does not participate in a primary campaign, total disbursements may be ~~spent~~ allocated entirely in the election.

SECTION 38. 11.31 (2) of the statutes is renumbered 11.31 (3) and amended to read:

11.31 (3) (title) GUBERNATORIAL CAMPAIGNS. Candidates For purposes of compliance with the limitations imposed under sub. (2), candidates for governor and lieutenant governor of the same political party who both accept grants from the Wisconsin election campaign fund may agree to combine limitations disbursement levels under sub. (1) (a) and (b) in the general election and reallocate the total limitation level between them. The board candidates shall be informed each inform the board of any such agreement.

SECTION 39. 11.31 (3) of the statutes is repealed.

SECTION 40. 11.31 (4) of the statutes is amended to read:

11.31 (4) (title) REALLOCATION. ~~Except as provided in sub. (1) (h), if~~ If a candidate, or personal campaign committee or individual disburses less than the limit level under sub. (1) in the primary, the balance may not be added to increase the limit level in the election.

SECTION 41. 11.31 (5) to (7) (titles) of the statutes are created to read:

11.31 (5) (title) SEPARATION OF PERIODS.

(6) (title) EXCLUSIONS.

(7) (title) CAMPAIGN DEFINED.

SECTION 42. 11.31 (7) (a) of the statutes is amended to read:

11.31 (7) (a) For purposes of this section, the "campaign" of a candidate extends from ~~the first day of the year in which the election or primary July 1 preceding the date on which the spring primary or election occurs or January 1 preceding the date on which the September primary or general election occurs for the office for which the candidate seeks~~ takes place, or from the date of the candidate's public announcement,

whichever is earlier, through the last day of the month following the month in which the election or primary is held.

SECTION 43. 11.31 (9) of the statutes is created to read:

11.31 (9) The disbursement levels specified in sub. (1) shall be subject to a biennial cost-of-living adjustment to be determined by rule of the board in accordance with this subsection. The percentage difference between the consumer price index for the 12-month period ending on December 31 of each odd-numbered year and the price index for the base period (calendar year 1974) shall be calculated. The disbursement level specified under sub. (1) shall be increased by such amount each biennium, rounded to the nearest multiple of \$25 in the case of amounts of \$1 or more, which amount shall be in effect until a subsequent rule is adopted under this subsection. In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period (all items — U.S. city average) as determined by the bureau of labor statistics of the U.S. department of labor. Determinations under this subsection may be adopted as an emergency rule under s. 227.027.

SECTION 44. 11.50 of the statutes is created to read:

**11.50 Wisconsin election campaign fund.** (1) DEFINITIONS. For the purposes of this section:

(a) "Eligible candidate" means any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for state office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).

(b) "Fund" means the Wisconsin election campaign fund.

(c) "Grant" means a contribution received from the fund.

(2) PARTICIPATION; APPLICATION. (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2), 8.15 (1) or 8.20 (8) (a), no later than 4:30 p.m. on the 7th day after the primary in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 (10) and the disbursement limitations prescribed in s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with such limitations at all times to which such limitations apply to his or her candidacy for the office in contest.

(b) The board shall approve the application of an eligible candidate for participation if:

1. The application is timely;
2. The candidate is certified under s. 7.08 (2) (a) to appear upon the spring or general election ballot;
3. The candidate has an opponent who is certified for placement on the election ballot as a candidate for the same office;
4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary indicate that his or her statement filed with the application under par. (a) is true; and
5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary indicate that the candidate has received at least the percentage of the amount of his or her total authorized disbursement limitation under



s. 11.31 which is provided in this subdivision for both the primary and election, from contributions of individuals which have been received during the period ending on the date of the spring primary and July 1 preceding such date, or the date of the September primary and January 1 preceding such date in the case of partisan candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For candidates identified in s. 11.26 (1) (a), the required percentage is 5%. For other candidates, the required percentage is 10%.

(c) If a candidate has not filed financial reports as of the date of the spring or September primary which indicate that he or she has met the qualification under par. (b) 5, the candidate may file a special report with the board. Such report shall be filed not later than the 7th day after the primary, and shall include all information required under s. 11.06 (1), including any supplementary information as to sources of contributions which may be necessary. The special report shall cover the period from the day after the last date covered on the candidate's most recent report, or from the date on which the first contribution was received or the first disbursement was made, whichever is earlier, if the candidate has not previously filed a report, to the date of such report.

(d) For purposes of qualification under par. (b) 4 and 5, the financial reports of a former candidate are considered to be same as if filed by the candidate who is lawfully appointed to replace such candidate whenever a vacancy after nomination occurs.

(e) Whenever a candidate who files nomination papers is unopposed on the deadline for filing such papers but is later opposed by a write-in candidate who qualifies for ballot placement, the application deadline under par. (a) is the same for the candidate who files nomination papers as for his or her opponent.

(f) The board shall inform each candidate in writing of the approval or disapproval of the candidate's application, as promptly as possible after the date of the spring or September primary.

(g) An eligible candidate who voluntarily files an application to receive a grant in accordance with this subsection accepts and agrees to comply with the contribution limitations prescribed in s. 11.26 (10) and the disbursement limitations imposed under s. 11.31 as binding upon himself or herself and his or her agents in both the primary and election campaign, as a precondition to receipt of a grant under this section.

(3) NONPARTISAN CANDIDATES. Annually on August 15, all moneys appropriated to the fund shall be apportioned as follows by the state treasurer:

(a) If an election for state superintendent is scheduled in the following year, 8% of the fund shall be placed in a superintendency account. From this account, an equal amount shall be disbursed to the campaign depository of each eligible candidate by the state treasurer.

(b) If an election for justice is scheduled in the following year, 8% of the fund shall be placed in a supreme court account. From this account, an equal amount shall be disbursed to the campaign depository of each eligible candidate by the state treasurer.

(c) The balance shall be apportioned under sub. (4).

(4) PARTISAN CANDIDATES. After apportionment under sub. (3), the remaining moneys shall constitute the partisan campaign account.

(a) In the partisan campaign account, 25% of the moneys shall be apportioned into an executive campaign account and 75% of the moneys shall be apportioned into a legislative campaign account.

(b) The executive campaign account shall be divided into accounts for each executive office as provided in this paragraph. The apportionment of moneys in the executive campaign account shall be made as follows:

1. Sixty-seven percent to be apportioned between all eligible candidates for governor.
2. Eight percent to be apportioned between all eligible candidates for lieutenant governor.
3. Seventeen percent to be apportioned between all eligible candidates for attorney general.
4. Four percent to be apportioned between all eligible candidates for state treasurer.
5. Four percent to be apportioned between all eligible candidates for secretary of state.

(c) The legislative campaign account shall be divided into a senate campaign account to receive 25% of the moneys, and an assembly campaign account to receive 75% of the moneys. Each account shall then be apportioned between all eligible candidates for the same office in the entire state. No apportionment shall be made by legislative district.

(d) Within the account established under pars. (b) and (c) for each office, the entire amount of all available moneys shall be apportioned in accordance with the certification of the board of state canvassers under s. 7.70 (3) (e) 1 as follows:

1. Eligible candidates who receive at least 10% of the total vote, an equal amount.
2. Eligible candidates who receive at least 9% of the vote, but not as much as 10%, an equal amount which shall be 20% less than that received by eligible candidates under subd. 1.
3. Eligible candidates who receive at least 8% of the vote, but not as much as 9%, an equal amount which shall be 40% less than that received by eligible candidates under subd. 1.
4. Eligible candidates who receive at least 7% of the vote, but not as much as 8%, an equal amount which shall be 60% less than that received by eligible candidates under subd. 1.
5. Eligible candidates who receive at least 6% of the vote, but not as much as 7%, an equal amount which shall be 80% less than that received by eligible candidates under subd. 1.

Vetoed  
in Part

(5) TIME OF DISBURSEMENT. The state treasurer shall make the disbursements to the campaign depository of each eligible candidate under subs. (3) and (4) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c). Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

(6) EXCESS MONEYS. If the amounts which are to be apportioned to each eligible candidate under subs. (3) and (4) are more than the amount which a candidate may accept under sub. (9), or more than the amount which a candidate elects to accept under sub. (10), the excess moneys shall be retained in the fund.

(7) UTILIZATION. Grants distributed under this section may be utilized only for deposit in a campaign depository account under s. 11.10. Grants may be expended only for the purchase of services from a communications medium or printer, and for office supplies and postage.

(8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the property of the state until disbursed or encumbered for a lawful purpose. All grants which are unspent and unencumbered by any candidate on the day after the election shall revert to the state, up to the total amount of grants awarded to the candidate and shall be deposited in the fund. Any other contributions in excess of this amount shall be treated in the same manner as excess contributions of candidates not receiving grants.

Vetoed  
in Part

(9) LIMITATION ON CONTRIBUTIONS FROM FUND. The total grants available to any eligible candidate in an election may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and committees of a

political party, is equal to 45% of the disbursement level specified for the applicable office in the schedule under s. 11.31 (1). The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

(10) **VOLUNTARY LIMITATION.** Any eligible candidate may by written request limit his or her participation in the fund to a lesser amount than that authorized under sub. (9).

(11) **USE RESTRICTED.** (a) No grant may be utilized in any primary or special election.

(b) No person may expend, authorize the expenditure of or incur any obligation to expend a grant for any purpose other than to advance the candidacy by lawful means of the specific candidate or candidates who qualify for the grant.

(c) No person may expend, authorize the expenditure of or incur any obligation to expend a grant except for a purpose authorized by sub. (7).

(d) No person may expend, authorize the expenditure of or incur any obligation to expend a grant or other contribution after the date of any election where the moneys contained in such contribution are returnable to the state under sub. (8).

(e) No candidate may expend, authorize the expenditure of or incur any obligation to expend any grant if he or she violates the pledge required under sub. (2) (a) as a precondition to receipt of a grant.

(f) No person may prepare or transmit to a registrant under this chapter or to the board any evidence which purports to demonstrate the amount or purpose for which a grant has been used if such evidence specifies an amount or purpose for which a payment is received other than the true amount or purpose.

(g) If any person expends, authorizes the expenditure of or incurs any obligation to expend any grant under this section in violation of pars. (a) to (f), such person shall be liable to the state in a civil action brought by the board for conversion, for treble the amount of the moneys wrongfully expended, and in addition is subject to penalties as provided in ss. 11.60 and 11.61.

(12) **PROOF OF PAYMENT.** No later than 30 days after each election in which a candidate receives any grant from the fund, the candidate or his or her campaign treasurer shall deliver or transmit to the board by first class mail, sufficient proof of payment for all disbursements made from grants distributed under this section. This subsection does not restrict the authority of the board to audit records under ss. 5.05 (2) and 13.94 (1) (k).

SECTION 45. 14.58 (20) of the statutes is created to read:

14.58 (20) **ELECTION CAMPAIGN FUND.** Make disbursements to each candidate certified under s. 7.08 (2) (c) by the elections board as eligible to receive moneys from the Wisconsin election campaign fund.

SECTION 46. 20.510 (intro.) of the statutes is amended to read:

**20.510 Elections board.** (intro.) There is appropriated from the general fund, except where otherwise indicated, to the elections board for the following programs:

SECTION 47. 20.510 (1) (q) of the statutes is created to read:

20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing appropriation, from the Wisconsin election campaign fund, the moneys certified under s. 71.095 (2) to provide for payments to candidates under s. 11.50.

SECTION 48. 20.855 (2) (e) of the statutes is created to read:

20.855 (2) (e) *Election campaign payments.* The amounts determined under s. 71.095 to be paid into the Wisconsin election campaign fund annually on August 15.

SECTION 49. 25.17 (1) (xm) of the statutes is created to read:

25.17 (1) (xm) Wisconsin election campaign fund (s. 25.42);

SECTION 50. 25.42 of the statutes is created to read:

**25.42 Wisconsin election campaign fund.** All moneys appropriated under s. 20.855 (2) (e) together with all moneys reverting to the state under s. 11.50 (8) shall constitute the Wisconsin Election Campaign Fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

SECTION 51. 71.095 of the statutes is created to read:

**71.095 Designation of payment to campaign fund.** (1) Every individual filing an income tax statement may designate that their income tax liability be increased by \$1 for deposit into the Wisconsin Election Campaign Fund for the use of eligible candidates under s. 11.50.

Vetoed  
in Part

(2) The secretary of revenue shall provide a place for such designations on the face of the individual income tax return. Annually on August 15, the secretary of revenue shall certify to the elections board, the department of administration and the state treasurer under s. 11.50 the total amount of designations made by taxpayers during the preceding fiscal year. If any taxpayer attempts to place any condition or restriction upon a designation, such taxpayer is deemed to have refused any such designation for his or her tax.

(3) The names of persons making designations under this section shall be strictly confidential.

SECTION 52. **Program citations.** Under the listing of program responsibilities for the office of the state treasurer specified in section 14.561 of the statutes, reference to section "11.50" is inserted.

SECTION 53. **Application.** (1) Section 71.095 of the statutes, as created by this act, shall apply to all individual income tax returns for any calendar year or corresponding fiscal year which commences not more than 9 months preceding the effective date of this act and to each calendar year or corresponding fiscal year thereafter. Initial distribution of campaign moneys under this act shall be made for the first general or spring election following the initial transfer of moneys under section 71.095 of the statutes, as created by this act.

Vetoed  
in Part

(2) The changes effected by this act in sections 5.02 (4), 5.37 (4), 5.62 (1) (a) and (3), 7.50 (2) (g), 7.70 (3) (e) to (h), 8.16 (title), (1), (2), (5) and (6), 8.20 (8) (a) and (9), 8.50 (3) (b), 10.02 (3) (b) 2 and 10.06 (1) (e) and (i) of the statutes and the creation by this act of sections 5.62 (5), 7.08 (2) (c), 7.70 (3) (e), 8.16 (5) and 10.02 (3) (b) 2m of the statutes shall take effect on January 1 next commencing after the effective date of this act.